

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH.

C.O.C.P. No. 1120 of 2006.
Date of Decision: October 24, 2006.

Beero Majri Scheduled Caste Land Owning Cooperative Society Ltd.

....**Petitioner**

through
Mr. H.S.Diwana, Advocate

Versus

Shri R.K.Verma, IAS, Collector, Patiala.

...**Respondent**
through
Mr. G.S.Cheema, Sr. DAG, Punjab.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

The petitioner filed CWP No.1357 of 2006 which was disposed of by this Court on 30.1.2006 with a direction “to the competent authority” to make a conscious and cautious decision upon the justice demand notice which the petitioner had already served, within a period of two months.

Alleging non-compliance of the aforementioned order by the Deputy Commissioner-cum-Collector, Patiala, this contempt petition has been filed.

On 1.9.2006, learned State Counsel was asked to get instructions in the matter. Pursuant thereto, Mr. Cheema, learned Senior DAG, Punjab, has referred to the order dated 25.5.2006 (Annexure P2/T) vide which the authority has considered the claim of the petitioner

Society and has turned down its request for issuance of the sale certificate.

Mr. Cheema has pointed out that since the land of village Beero Majri, Tehsil Bassi Pathana in relation to which the sale certificate is sought to be issued, falls within the revenue limits of Fatehgarh Sahib and, thus, Deputy Commissioner-cum-Collector, Fatehgarh Sahib is the competent authority, the directions issued by this Court on 30.1.2006 have been complied with.

On the other hand, learned counsel for the petitioner states that since at the time when the land was allotted, village Beero Majri used to fall within the revenue limits of District Patiala, it is the Deputy Commissioner-cum-Collector, Patiala, which is the competent authority to dispose of the petitioner's claim.

A perusal of the order dated 25.5.2006 (Annexure P2/T) passed by the Deputy Commissioner-cum-Collector, Fatehgarh Sahib reveals that before disposing of the petitioner's claim, the said authority has gone through the records of the office of the Deputy Commissioner, Patiala as well as Tehsil office Bassi Pathana and thereafter an opportunity of being heard was afforded to the President of the petitioner Society and it is thereafter only that the aforesaid order was passed.

In this view of the matter, it appears that the directions issued by this Court have been complied with. Accordingly, this petition is disposed of with liberty to the petitioner Society to impugn the order dated 25.5.2006 (Annexure P2/T) passed by the Deputy Commissioner-cum-Collector, Fatehgarh Sahib before an appropriate forum, if so advised.

Disposed of.

Rule discharged.

October 24, 2006.
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(SURYA KANT)
JUDGE